**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU**

**WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929**

**Crl.Rev.Pet.No. 810 of 1999()**
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**AGAINST THE ORDER DT. 27.8.99 IN MC. NO.1.98 OF THE COURT OF EXECUTIVE MAGISTRATE KILTAN ISLAND.**

**REVN. PETITIONER: RESPONDENT**
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1. **MOHAMMED SURAMBIYODA, KILTAN.**

2. **SALIH KATTUPURAM , KILTAN.**

3. **UMMER KOYA, PUTHIYATHAKKAL KILTAN.**

4. **SALAHUDHEEN, KATTUPURAM, KILTAN.**

**BY ADV. SMT.AYSHA YOUSEFF**
**SRI.M.A.FAROOQUE MARICKAR**

**RESPONDENTS: PETITIONER**
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1. **MULLAKOYA CHAKKAYAKKEEL KILTAN.**

2. **EXECUTIVE MAGISTRATE KILTAN ISLAND,**
**UNION TERRITORY OF LAKSHADWEEP.**

**BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN**
**SRI.T.H.ABDUL AZEEZ**
**BY PUBLIC PROSECUTOR SRI.AMJAD ALI.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**K.R. UDAYABHANU, J.**

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**CRL.R.P.NO. 810 OF 1999**

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**DATED THIS THE 18th JULY 2007**

**ORDER**

The revision petitioners, who are the respondents in M.C.No.1/98, the proceedings initiated under Section 145 of the Code of Criminal procedure, have sought for setting aside the order of the Executive Magistrate, Kiltan Island. It is submitted that the order is not a speaking one and has been issued without notice to all the parties.

2. I find that as pointed out by counsel for the revision petitioner, the order does not mention the reasons for the same. Further more, the order itself mentions that no notice has been served on the 3rd respondent. Although it is mentioned that statements and supporting documents were filed by both sides, there is no mention about the pleadings in the order.

In the circumstances, the order of the Executive Magistrate dated 27-8-1999 is set aside. The Executive Magistrate is to

reconsider the matter after issuing notice to the affected parties and dispose of the matter by a considered order, if the situation is still live. The Crl.revision petition is allowed as above.

**K.R.UDAYABHANU, JUDGE**

**ks.**

K.R.UDAYABHANU, J

CRL.R.P.NO. 810 OF 1999
ORDER

18-7-2007